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Issue Paper MEXICO STATE PROTECTION (DECEMBER 2003-MARCH 2005) May 2005

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MAP



Source: CNN. 15 December 2003. "Map of Mexico."
 <<http://edition.cnn.com/TRAVEL/CITY.GUIDES/WORLD/Americas/mexico/bigmap.html>> [Accessed 9 Mar. 2005]

GLOSSARY

AFI

Agencia Federal de Investigaciones (Federal Agency of Investigation)

ALDF

Asamblea Legislativa del Distrito Federal (Federal District Legislative Assembly)

CEDH

Comisión Estatal de Derechos Humanos (State Commission for Human Rights)

Centro PRODH

Centro de Derechos Humanos "Miguel Agustín Pro Juárez" (Human Rights Centre "Miguel Agustín Pro Juárez")

CNDH

Comisión Nacional de Derechos Humanos (National Human Rights Commission)

CONAPRED

Consejo Nacional para Prevenir la Discriminación (National Council for the Discrimination Prevention)

DF

Distrito Federal (Federal District)

IFE

Instituto Federal Electoral (Federal Electoral Institute)

INMUJERES

Instituto Nacional de las Mujeres (National Institute for Women)

MP

Ministerio Público (Public Ministry)

PFP

Policía Federal Preventiva (Federal Preventive Police)

PGJE

Procuraduría General de Justicia del Estado (State Justice Attorney General)

PGR

Procuraduría General de la República (Federal Attorney General)

SEDENA

Secretaría de la Defensa Nacional (National Defence Secretariat)

SSP

Secretaría de Seguridad Pública (Secretariat of Public Security)

1. INTRODUCTION

This paper provides an overview of state protection in Mexico from December 2003 to March 2005, with a particular focus on the description and functionality of state institutions as they relate to governance, the judiciary, the police and the military. It also presents information about state-sponsored agencies and non-governmental or civil society organizations involved in protecting human and legal rights. Finally, this paper updates information related to four selected claim types—violence against women, sexual orientation, crime and corruption, and political activities and groups—that were addressed during the Refugee Protection Division's Quality Issue Session on Mexico, held in Montreal on 15 December 2004.

2. BACKGROUND

As President Vicente Fox approached the mid-term of his presidency in 2003, sources questioned whether he could achieve the state protection reforms he had promised at the outset of his presidency (*Los Angeles Times* 6 Dec. 2004; *The Economist* 23 Nov. 2004; *ibid.* 14 Aug. 2003; Freedom House 23 Aug. 2004). Nevertheless, in 2003 and 2004, Fox reportedly remained committed to addressing issues such as crime, corruption and human rights abuse, even though new incidents continued to be reported under his administration (AI 2004; *Country Reports* 2004 28 Feb. 2005; *International Narcotics Strategy Report* 2005 1 March 2005; HRW 8 Jan. 2005). Examples of Fox's commitment to addressing

some of Mexico's state protection problems included the introduction of federal reforms to professionalize the Federal Attorney General's office (Procuraduría General de la República, PGR) (US Sept. 2004; Standard & Poor's 17 June 2004; *International Narcotics Strategy Report 2003* 1 March 2004) and to improve accountability within the federal public service (ibid.). However, according to news, national, and international human rights sources, the government has reportedly achieved limited success, and many critics have stated that Fox has been unable to fully strengthen the country's state protection system (UN 11 Mar. 2004; *The Economist* 23 Nov. 2004; Freedom House 23 Aug. 2004; AI 2004; HRW 8 Jan. 2005). For example, an August 2004 public opinion survey of individuals in 18 Latin American countries reported that Mexico scored the poorest results on questions related to the possibility of bribing public authorities (Corporación Latinobarómetro 13 Aug. 2004). In particular, 65 per cent of Mexicans surveyed stated that there was a high probability that they could bribe a police officer in order to avoid arrest (ibid.).

In 2004, in the face of growing criticism of weaknesses in the areas of public security and human rights protection, Fox introduced two key proposals: 1) a plan to reform federal laws pertaining to public security and justice in March 2004 (*The Christian Science Monitor* 6 Apr. 2004; Standard & Poor's 17 June 2004), and 2) the inauguration of a National Human Rights Program (NHRP) in December 2004 (AP 10 Dec. 2004; UPI 10 Dec. 2004), based on recommendations outlined in a December 2003 technical cooperation agreement between the UN and Mexico on human rights (UN 8 Dec. 2003). According to Fox, the NHRP would involve various levels of government and non-governmental organizations and would reportedly "guide the government agenda" on human rights (ibid.).

Information on the progress of the NHRP could not be found among the sources consulted by the Research Directorate. However, in May 2004 the Human Rights Centre "Miguel Agustín Pro Juárez" (Centro de Derechos Humanos "Miguel Agustín Pro Juárez," Centro PRODH) criticized the methodology used in developing the program (Centro PRODH May 2004). Specifically, the PRODH claimed that the "elaboration" process for the NHRP limited participation of civil society, focused on governmental control by the Secretariat of the Interior (Secretaría de Gobernación, SEGOB), lacked clarity and did not prioritize of the issues at hand (ibid.).

The second and related initiative introduced by Fox was an April 2004 legislative bill to overhaul the country's criminal justice system, which included proposals to speed up the trial process and amalgamate federal police agencies into one national force (*The Christian Science Monitor* 6 Apr. 2004; Standard & Poor's 17 June 2004). For more information on the April 2004 proposal, please refer to the "Further Considerations" section of the Research Directorate's May 2004 Issue Paper, *Mexico: Police*.

While Fox has called for political and legislative unity to push through justice reform, sources noted that the Congress has since stalled the bill (UPI 10 Dec. 2004; HRW 8 Dec. 2004). According to United Press International (UPI), while Congress has passed some minor provisions, the legislative proposal has been stalled by Institutional Revolutionary Party (Partido Revolucionario Institucional, PRI) legislators who claim the proposal's main drawback is that it is based on the American justice system and does not meet Mexico's unique needs (10 Dec. 2004). In March 2005, Allison Rowland, public policy specialist at the Mexico City-based Centre for Economic Research and Teaching (Centro de Investigación y Docencia Económicas, CIDE) noted that the criminal justice bill remained stalled (18 Mar. 2005).

3. STATE INSTITUTIONS

3.1 Governance

Established as a federal republic in 1917, Mexico has 31 states and one Federal District (Mexico

City) (US Sept. 2004; *Europa World Year Book 2004* 2004). While Mexico maintains a presidential form of government, each state is an autonomous entity with " its own constitution, elected governor, and legislative chamber" (*Political Handbook of the World 2000-2002* 2002, 724; *The Economist* 15 Oct. 2004). In addition, government power is divided among three branches: executive, legislative and judicial (US Sept. 2004; IFE n.d.a). Executive powers reside in the highest authorities of the country, namely the president of the republic, the governors of each state and the Federal District's chief of government (*jefe de gobierno*) (ibid.). Federal legislative power is vested in the bicameral Congress (Congreso de la Unión), which is composed of a 128-member Senate (Cámara de Senadores) and a 500-member Chamber of Deputies (Cámara de Diputados) (ibid.; *CIA World Factbook* 13 Jan. 2005). State legislative authority resides in the unicameral Local Congress (Congreso Local); in the Federal District, the legislative authority is called the Legislative Assembly (Asamblea Legislativa) (IFE n.d.a). The Supreme Court of Justice of the Nation (Suprema Corte de Justicia de la Nación , SCJN), which heads the judicial branch of the federal government, has 11 ministers who are nominated by the president and elected by a two-thirds vote of the Senate (ibid.).

Prior to the July 2000 presidential elections, the PRI had dominated Mexican politics for 71 years (US Sept. 2004; CSIS Mar. 2004). Viewed by various sources as an important achievement in the country's transition to a more democratic political system (ibid.; Standard & Poor's 17 June 2004; US Sept. 2004), the December 2000 inauguration of President Vicente Fox, the candidate of the National Action Party (Partido Acción Nacional , PAN), occurred after what observers generally called free and fair elections (ibid.). Although electoral reforms have allowed for the inclusion of more political parties (ibid.), three parties currently dominate the political landscape, namely the PRI—which is the main opposition party, the governing PAN, and the Party of the Democratic Revolution (Partido de la Revolución Democrática , PRD) (ibid.; *CIA World Factbook* 13 Jan. 2005).

The July 2003 mid-term congressional elections signified a resurgence of the PRI as the party increased its number of seats in the Chamber of Deputies from 209 to 223, winning 36.7 per cent of the popular vote (*Latinamerica Press* 16 July 2003; FOCAL July 2003). Conversely, the PAN lost 53 seats; going from 207 to 154 seats, while the PRD gained 42 seats; from 54 to 96 (ibid.; *Latinamerica Press* 16 July 2003). Although marked by high voter absenteeism and some cases of electoral abuse such as alleged vote-buying (CBA 7 July 2003), *Country Reports 2003* noted that the congressional elections were generally free and fair (25 Feb. 2004). However, various sources described the election results as a major setback for the governing PAN, reflecting citizen disenchantment with the Fox administration (*Latinamerica Press* 16 July 2003; FOCAL July 2003). In 2004, PRI victories in seven out of ten state gubernatorial and local elections (*LARR7* Dec. 2004a) led some observers to predict that the party could return to power after the June 2006 presidential elections (ibid.; *The Economist* 5 Aug. 2004; *Los Angeles Times* 6 Dec. 2004). Please refer to Section 4.4 for more details on the problems related to the 2004 elections.

According to M. Delal Baer, Director of the Mexico Project at the Center for Strategic and International Studies (CSIS), "Mexican politics are more democratic but less governable [than before] and are suffering from gridlock between the executive and legislative branches" (*Foreign Affairs* Jan.-Feb. 2004). An example of this legislative paralysis occurred in November 2004, when President Fox challenged Congress's amendments to his national budget (IRC 19 Nov. 2004; *The Economist* 9 Dec. 2004). After rejecting the modified budget, Fox threatened to let the Supreme Court resolve the disagreement (ibid.). Laura Carlsen, Director of the Americas Program at the Interhemispheric Resource Center (IRC) commented that the budget dispute has deepened the country's political tensions and created uncertainty for future governance (IRC 19 Nov. 2004).

3.2 The Judiciary

The Mexican legal system is variously described as a legal system based on a "mixture of US constitutional theory and civil law" (*CIA World Factbook* 13 Jan. 2005), founded on principles taken from the Napoleonic Code (Freedom House 23 Aug. 2004) and "Roman-Germanic tradition in which codification establishes general and abstract norms" (US 2002, Sec. 1). Correspondingly, the judiciary is separated into federal, state and military judicial structures (ibid.; ICJ 27 Aug. 2002). While the state judiciary addresses matters that occur within local jurisdiction (*fuero comun*) such as civil law cases and certain crimes occurring within state borders, the federal courts have jurisdiction over crimes that fall within the authority of the country's federal laws (*fuero federal*), such as drug trafficking (ibid.; UN 24 Jan. 2002). Please see section 4.3.1 for more information about this topic.

The judicial system has a number of Collegiate Circuit Courts (Tribunales Colegiados), Unitary Circuit Courts (Tribunales Unitarios), and between 185 (*Country Reports 2003* 25 Feb. 2004, Sec. 1.e) and 219 (*Europa World Year Book 2004* 2004, 2888) District Courts (Juzgados de Distrito). Since the 1994 reforms to the federal judiciary, Supreme Court judges may serve a "15 year non-renewable term," while District Court judges generally serve a six-year term (UN 24 Jan. 2002; ICJ 27 Aug. 2002).

In theory, Mexico's 1917 constitution outlines a number of civil and political rights, including, but not limited to, freedom from torture (REDRESS May 2003; *Country Reports 2004* 28 Feb. 2005, Sec. 1.c) and arbitrary arrest or detention (ibid., Sec. 1.d), and an independent judiciary (ibid., Sec. 1.e). In addition, the constitution provides for the right to a fair trial, the right to prompt judgments from the courts (UN 24 Jan. 2002) and various defendants' rights, such as the entitlement to a defence attorney or a public defender (US Sept. 2004; ibid. 2002, Sec. 4.3).

In practice, international human rights sources reported in 2004 and in early 2005 that many of Mexico's human rights violations stem from structural deficiencies in its criminal justice system (HRW 8 Jan. 2005; AI 2004). For example, Amnesty International's 2004 annual report (ibid.) and Human Rights Watch's *World Report 2005* (8 Jan. 2005) noted that cases of torture, arbitrary detention, and extortion within the judicial system, especially at the state level, continued to be reported in an atmosphere of impunity in 2003 and 2004. *Country Reports 2004* added that while efforts to reform the judiciary were being made in 2004, concerns such as "lengthy pretrial detention, lack of due process, and judicial inefficiency and corruption persisted" (28 Feb. 2005).

In June 2004, Alejandro Gertz Manero, then-Federal Secretary of the Secretariat of Public Security (Secretaría de Seguridad Pública, SSP) was quoted as describing the country's justice system as being outdated, lacking in credibility, and unresponsive to the needs of Mexican society (FBIS 30 June 2004). According to a 2004 public opinion poll conducted by Corporación Latinobarómetro, 58 per cent of the Mexican respondents claimed that it was quite possible to bribe a judge in order to receive a favourable sentence (*sentencia favorable*) (13 Aug. 2004).

Key points discussed at a July 2004 conference on justice reform in Mexico, sponsored by the US-based Center for Strategic and International Studies (CSIS) and the Center for US-Mexican Studies, included statements that the criminal justice system was "both ineffective and unfair" (CSIS 16 July 2004). At the conference, numerous national and international justice reform experts claimed that in Mexico "[fewer] than 5 per cent of crimes are investigated and [fewer than] 2 per cent go to trial" (ibid.). Moreover, the criminal justice system was deemed unfair due to its use of arbitrary detention, delays in trial and sentencing, "incarceration without sentencing" or pretrial detention and "poor legal defence" (ibid.; see also AI 28 Sept. 2004).

Various sources reported that, among the criticisms of the judicial process, the use of pre-trial detention (*prisión preventiva*) was of particular concern (ibid.; OSJI Nov. 2004; CSIS 16 July 2004). During the July 2004 justice reform conference sponsored by CSIS and the Center for US-Mexican Studies, experts concurred that pre-trial detention "impedes the prosecutorial process and contributes to a system that jails large numbers of people" (ibid.). In a November 2004 publication of the Open Society Justice Initiative (OSJI), author and public security expert Guillermo Zepeda stated that about 82,000 incarcerated individuals were then waiting for a court appearance in Mexico, some for having committed only minor offences (11 Nov. 2004). Zepeda's study also argued that pre-trial detention has not reduced crime rates, does not effectively guarantee victim compensation, and is not cost-efficient (OSJI 11 Nov. 2004).

As well, *Country Reports 2004* noted that authorities did not ensure legal representation for poor defendants (28 Feb. 2005, Sec. 1.c). In particular, "[d]efendants in pretrial detention did not have immediate access to an attorney to discuss privately issues arising during the hearings. Moreover, the public defender system was not adequate to meet the need" (*Country Reports 2004* 28 Feb. 2005, Sec. 1.c).

3.3 The Police

The Research Directorate's May 2004 Issue Paper *Mexico: Police* provides an overview of law enforcement in Mexico, including information about police reforms undertaken by the Fox administration, the structure of police responsibility within the criminal justice system and issues of inter-agency coordination. The Issue Paper also presents information about the availability of redress and police internal controls within various jurisdictions of the public security system.

In 2004, various sources reported that the Fox administration continued its efforts to improve federal law enforcement practices and root out police corruption (*The Christian Science Monitor* 6 Apr. 2004; *Diario de Mexico* 2 July 2004; *International Narcotics Control Strategy Report 2005* Mar. 2005, Sec. III). According to the *International Narcotics Control Strategy Report 2005*, an example of federal police reform is the Federal Agency of Investigation (Agencia Federal de Investigaciones, AFI), which has reportedly "developed into an excellent police institution" (ibid.). News and human rights sources of 2004 also reported on state and local efforts to punish corrupt police officers (*Country Reports 2004* 28 Feb. 2005, Sec. 1.d; AP 9 July 2004). For example, from January to July 2004, authorities fired some 500 Mexico City police officers for corruption-related violations (ibid.).

Nevertheless, public security experts and human right sources noted that more profound changes are needed to entrench proper police procedures and accountability (CSIS 16 July 2004; AI 28 Sept. 2004). In 2004, news and human rights sources reported on recurrent cases of police misconduct, the use of arbitrary detention, and civilian vigilantism related to a lack of faith in the police (ibid. 2 Dec. 2004; AP 9 July 2004; *LAWR* 30 Nov. 2004; *Los Angeles Times* 17 Dec. 2004; *El Universal* 12 Nov. 2004; ibid. 13 Oct. 2004; ibid. 15 Nov. 2004; Yahoo! News 9 Nov. 2004). For example, in May 2004, a number of protesters arrested during and after a demonstration in Guadalajara were reportedly "coerced, beaten or threatened into making confessions or giving the names of those suspected of having carried out acts of violence" (AI 2 Dec. 2004; see also HRW 15 July 2004). Even after the National Human Rights Commission (Comisión Nacional de Derechos Humanos, CNDH) made recommendations that state authorities investigate "19 cases of torture" by municipal and state-level police officers, the governor of Jalisco publicly responded that the state's police forces had done "nothing wrong" (AI 2 Dec. 2004).

In a widely reported incident, on 23 November 2004, a mob of about 200 people lynched two

agents from the Federal Preventive Police (Policía Federal Preventiva, PFP)—reportedly touted as an "elite corps" (*Los Angeles Times* 17 Dec. 2004)—in the town of San Juan Ixtayopan near Mexico City (ibid.; EFE 24 Nov. 2004; *LARR* 7 Dec. 2004b). Upon learning that a mob had seized three undercover PFP agents suspected of being kidnappers, television media outlets broadcast the incident live (ibid.; AP 2 Dec. 2004; *Los Angeles Times* 17 Dec. 2004). During the more than two hours it took authorities to reach the scene, the mob beat up the officers and burned two of them to death, while the third was ultimately rescued (ibid.; *New York Times* 25 Nov. 2004).

In the aftermath of the lynchings, the PGR reportedly dispatched some 1,000 police agents and arrested 33 suspects, 29 of whom were charged (*LAWR* 30 Nov. 2004; *New York Times* 25 Nov. 2004; AP 6 Dec. 2004). The head of the PGR, Rafael Macedo, also ordered a full investigation into the incident to determine the cause of the lynchings and why authorities had not responded more quickly (EFE 24 Nov. 2004; AP 2 Dec. 2004). Initially, authorities did not take any responsibility for the "systemic failure to rescue the policemen," (*LARR* 7 Dec. 2004b). However, in early December 2004, Fox dismissed both the head of the PFP, Jose Luis Figueroa (*LAWR* 14 Dec. 2004) and the Federal District Public Security Secretary, Marcelo Ebrard (AP 6 Dec. 2004). Fox requested that Joel Ortega, Ebrard's replacement, develop a "new police action plan" (EFE 13 Dec. 2004) and provide monthly accountability reports directly to the federal government (AP 13 Dec. 2004). In addition, Fox provided funding for a project that would help Mexico City police respond to emergency calls more quickly (ibid.). In December 2004, Fox also ordered the heads of the federal Secretariat of Public Security (Secretaría de Seguridad Pública, SSP), the PGR and the AFI to conduct a full review of their agencies (*LAWR* 14 Dec. 2004).

In January 2005, in his continuing efforts to restructure the federal public security system after the November 2004 lynchings, Fox named Tomas Valencia as the new PFP director (AP 11 Jan. 2005; *LAWR* 11 Jan. 2005), created a federal security cabinet and made significant changes to the federal SSP (ibid.). This reorganization requires the federal SSP to collaborate with the Council of Citizen Participation (Consejo de Participación Ciudadana, CPC) and to develop closer ties to the PGR (ibid.).

3.4 The Military

Mexico's military has two branches; the National Defence Secretariat (Secretaría de la Defensa Nacional, SEDENA), which controls the army and air force, and the Navy Secretariat (Secretaría de Marina, SEMAR), which is responsible for the navy and marines (*CIA World Factbook* 13 Jan. 2005; *Defense & Foreign Affairs Handbook* 2002, 1145). Estimates of the total number of military personnel range from 192,770 (Coalition to Stop the Use of Child Soldiers 17 Nov. 2004) to 225,000 (US Sept. 2004), with about 75 per cent of these numbers referring strictly to members of the army (ibid.). While the military's primary role is to provide national defence, another major responsibility is combating drug trafficking, including eradication efforts and drug seizures (ibid.; WOLA 22 July 2004).

Although Fox had promised prior to his election to withdraw the military from anti-narcotics operations, upon assuming the presidency he decided to increase the role of the armed forces in addressing the country's drug-trafficking problems (CSIS 5 Nov. 2004; WOLA Apr. 2003). In a July 2004 memo, the Washington Office on Latin America (WOLA) noted that the military's increased role included investigations, arrests and organizational takedowns of suspected drug-trafficking gangs (22 July 2004).

A key development that fostered military and civilian law enforcement collaboration was Fox's appointment of former army general Rafael Macedo to head the PGR (WOLA Apr. 2003, 4; CSIS 5 Nov. 2004). Various sources have reported that the shift towards increased collaboration between federal police agencies and national armed forces has led to an increased militarization of the police (*Diario de*

Mexico 23 Jan. 2004; WOLA Apr. 2003; UN 8 Dec. 2003). Roderic Ai Camp, professor and expert in Mexico's military establishment, views the increased collaboration as a positive development in civilian-military relations (CSIS 5 Nov. 2004). However, international and national human rights sources have called for a separation of military and civilian public security operations because abuses at the hands of military personnel during law enforcement operations are generally committed with impunity (HRW 8 Jan. 2005; AI 23 Nov. 2004; Centro PRODH 8 Oct. 2004; UN 8 Dec. 2003). According to Human Rights Watch's *World Report 2005*:

A major shortcoming of the Mexican justice system is that it leaves the task of investigating and prosecuting army abuses to military authorities. The military justice system is ill-equipped for such tasks. It lacks the independence necessary to carry out reliable investigations and its operations suffer from a general absence of transparency. The ability of military prosecutors to investigate army abuses is further undermined by fear of the army, which is widespread in many rural communities and which inhibits civilian victims and witnesses from providing information to military authorities (8 Jan. 2005).

Amnesty International (AI) outlined an example of the military justice system's impunity in its November 2004 report *Indigenous Women and Military Injustice* (23 Nov. 2004). In particular, AI examined the military's investigation of six cases of rape of indigenous women reportedly committed by soldiers in the state of Guerrero (AI 23 Nov. 2004). Amnesty International concluded that, among other things, the investigations conducted by "woefully inept" military prosecutors had "serious shortcomings" and that justice and reparations continue to be denied to the victims (ibid.).

Another development that has raised concerns within the human rights community is the ongoing transfer of military personnel into federal law enforcement agencies (Centro PRODH Nov. 2004; ibid. 8 Oct. 2004; *Proceso* 1 Dec. 2004; WOLA 22 July 2004). The Centro PRODH outlined a 2004 agreement between the SEDENA and the SSP that would allow for the reassignment of "5,332 members of the Third Brigade of Military Police into the Support Federal Forces of the [PFP]" (Nov. 2004). According to Omar Fayad, a former PFP officer and a current member of Congress, the PFP mainly consists of former military personnel subject to "regulations that more resemble those of the army than that of a citizen police force" (*Los Angeles Times* 17 Dec. 2004). In addition, Fayad noted that "army and navy personnel on loan to the force remain subject to military hierarchy and justice, making any crimes they commit off-limits to civilian review" (ibid.).

While PGR head Macedo agreed that military and policing duties should be separate and that this would eventually occur, he also pointed out that the military's role in counter-narcotics operations was necessary because "there was no other institution capable of doing the job" (*LAWR* 16 Dec. 2003). During a July 2004 conference on justice reform in Mexico, public security experts discussed "key points," including a statement that police "inadequacies" have resulted in the increased use of the "military because of its high credibility" (CSIS 16 July 2004). Public opinion surveys of 2004 conducted by a Mexico-based polling firm also noted that citizens generally have a high level of trust in the military as an institution (Consulta Mitofsky Sept. 2004).

3.5 Other Institutions

The National Human Rights Commission (Comisión Nacional de Derechos Humanos, CNDH) and state-level Human Rights Commissions (Comisiones Estatales de Derechos Humanos, CEDH) are government-funded institutions that provide recourse to individuals who wish to file complaints against state agents who have reportedly committed human rights violations (*Country Reports 2004* 28 Feb. 2005, Sec. 4; REDRESS May 2003, Sec. 2.2; UN 24 Jan. 2002, 30). In addition, the government of

Mexico has set up a number of other government-funded institutions to monitor state protection-related issues, such as the National Council for the Discrimination Prevention (Consejo Nacional para Prevenir la Discriminación, CONAPRED) (CONAPRED n.d.) and the Federal Electoral Institute (Instituto Federal Electoral, IFE) (IFE n.d.b).

Since its introduction in 1990, the IFE has become one of the few reputable public organizations in the country (*The Christian Science Monitor* 30 Apr. 2003; CSIS Mar. 2004; Standard & Poor's 17 June 2004) and serves as the country's election overseer responsible for ensuring free and fair elections by, among other tasks, registering political groups and parties, monitoring electoral abuse, and enforcing electoral laws (ibid.; IFE n.d.b; *The Christian Science Monitor* 30 Apr. 2003). Various sources have described the IFE as an institution that has built its credibility by successfully administering free and fair elections in 1996, 2000 and 2003 (*World Press Review* 4 Nov. 2003; CSIS Mar. 2004; Standard & Poor's 17 June 2004).

Nevertheless, academic and news sources reported that the October 2003 selection process of new IFE board members created concerns about the organization's future autonomy (MSN 27 Oct.-2 Nov. 2003; CSIS Mar. 2004). According to an article that appeared in *World Press Review*, the process was "seriously flawed" and "based on party affiliation" (4 Nov. 2003), while a 2004 CSIS policy paper noted that the IFE appointments marked a "return to the partisanship (*partidización*) that prevailed from 1991 to 1994" (Mar. 2004).

Despite these uncertainties, there has been no evidence that the IFE has improperly performed its duties or displayed favouritism toward any one party (MSN 19-25 Apr. 2004; CSIS May 2004). In April 2004, the IFE handed down a number of fines to 11 political parties for electoral violations such as excessive campaign spending and exceeding established cash donation limits during the July 2003 mid-term elections (ibid.; MSN 19-25 Apr. 2004).

4. SITUATION OF SELECTED GROUPS

4.1 Violence Against Women

News and human rights sources reported in 2003 and 2004 that violence against women remained a serious problem, despite government efforts to remedy the situation (Freedom House 23 Aug. 2004; *Country Reports 2003* 25 Feb. 2004, Sec. 5; Yahoo! Noticias 25 Nov. 2004). According to statistics from the National Institute for Women (Instituto Nacional de las Mujeres, INMUJERES), an autonomous government-funded organization that promotes gender equity and fights discrimination, more than 130,000 cases of domestic violence are reported in Mexico each year (ibid.). Results released in 2004 from a government-funded national survey conducted in 2003 showed that 47 per cent of women over 15 and living with a partner had suffered some form of emotional, physical, economic or sexual abuse (Mexico 1 June 2004). In Mexico City, every year some 20,000 domestic violence cases are reported to the police (Yahoo! Noticias 25 Nov. 2004) and about 26,000 women are reportedly raped (CIMAC 16 Feb. 2004).

Mexico has enacted domestic laws addressing violence against women (OAS 13 Oct. 2004; see also UN 2 Mar. 2005a) and ratified two international conventions; the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1981, and the Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women, also known as the Belem Do Para Convention, ratified in 1996 (ibid.; CIMAC July 2003).

In 1997, the Federal District Legislative Assembly (*Asamblea Legislativa del Distrito Federal*,

ALDF) created domestic violence offences within the Federal District's penal code, with penalties ranging from a minimum of four months to six years in prison (ibid.; OAS 13 Oct. 2004). As of October 2004, the federal government reported that 25 of the 31 states had some form of prevention and assistance laws relating to domestic violence (ibid.). However, the government further noted that the mechanisms provided by these very heterogeneous (*muy heterogéneas*) laws varied across the country: from conciliation, arbitration and administrative proceedings in some states, to the filing of official criminal complaints (*denuncias*) in others (ibid.).

In addition, a national policy on domestic violence, known as the NOM-190, is in effect since March 2000 and requires all health centres to report cases of domestic violence (CIMAC 24 Nov. 2003; ibid. July 2003). According to the then-Director of Women and Health program of the federal Health Secretariat (Programa Salud y Mujer de la Secretaría de Salud), Aurora del Rio, since the policy came into force, health centres have reported that an average of one million women have been physically assaulted annually (ibid. 24 Nov. 2003). In 2004, Director del Rio noted that eight more states would reportedly begin applying the NOM-190, in addition to the current 14 states (ibid. 24 June 2004). However, the Director noted that improving the effectiveness of the NOM-190 involved a number of factors, including more interinstitutional cooperation, increased training for health professionals to better their understanding of victims' assistance needs, and public awareness and prevention programs aimed at young people (ibid.).

According to the president of INMUJERES, Patricia Espinosa Torres, ten years after Mexico signed the Belem do Para Convention, the country's legislation with regard to violence against women was insufficient (*insuficiente*), and, in five states, ineffective (*inoperante*) (ibid. 29 Sept. 2004). Participants at a June 2004 seminar entitled The Needs of Victims of Domestic Violence (*Necesidades de las Víctimas de la Violencia Familiar*) stated that Mexico's domestic violence laws and protective institutions for assisting victims of violence were [translation] "ambivalent" (ibid. 14 June 2004). According to Julia Lopez, a legal defence specialist, there is a reluctance to punish male perpetrators because domestic violence is still considered a private issue with no witnesses (*como una cuestión privada, esto es 'sin testigos'*) (ibid.). In addition, Lopez mentioned that the problems relating to assisting women victims of violence included untrained staff, a high turnover of employees and a lack of permanent staff (ibid.). Sociologist Teresa Pérez commented that the government's domestic violence programs were manipulated for political aims (*manipulada con fines políticas*) with little follow-up or evaluation on their effectiveness (ibid.).

In reference to reforming the penal code for domestic violence offences, the President of the Human Rights Commission of the ALDF and PRD legislator, Julio Cesar Moreno Rivera , noted that many domestic violence victims receive little support from the Public Ministry (Ministerio Público, MP) (ibid. 15 Sept. 2004). According to Bárbara Yllán, Deputy Prosecutor of the Victims and Community Services unit of the Federal District Attorney General's Office (Atención a Víctimas y Servicios de la Comunidad, Procuraduría General de Justicia del Distrito Federal, PGJDF), MP officials commonly question a victim's complaint, even suggesting that the victim attempt to reconcile with an abusive partner (ibid. 25 June 2004).

The federal government listed a number of its efforts to address violence against women, including the training of 30,000 community workers in 236 municipalities in 31 states under the rubric of the National Program for a Life Without Violence (Programa Nacional por una Vida sin Violencia) in 2003 (Mexico Mar. 2004). In spite of these measures, according to a national study on domestic violence conducted in October and November 2003 and sponsored by the federal government, 48.6 per cent of respondents who identified themselves as female victims of violence did not seek any assistance

and of the 51.4 per cent who did seek assistance, 40.3 per cent sought help primarily from family and friends (ibid. 1 June 2004). Another document from the government of Mexico noted that in March 2004, 18.7 per cent of the country's 2,435 municipalities reportedly had some form of government-sponsored organization dedicated to women's concerns (OAS 13 Oct. 2004).

Federal government support for the development of protective agencies for victims of domestic violence included a national shelter network for women fleeing violent partners and a national 24-hour telephone assistance hotline offering free legal and psychological assistance for victims of violence (ibid.; UN 2 Mar. 2005a). The national shelter network of "34 shelters in 24 states" (ibid.) assists more than 3,500 women and children yearly (Mexico 8 Mar. 2004). According to government statistics, the telephone hotline assisted 5,536 persons in 2003 (OAS 13 Oct. 2004) and the service fielded 11,396 calls in 2004 (UN 2 Mar. 2005a), averaging 730 calls per month from January to August 2004 (OAS 13 Oct. 2004).

Marta Torres, professor and researcher at the Interdisciplinary Program of Women's Studies (Programa Interdisciplinario de Estudios de la Mujer, PIEM) of the Colegio de Mexico in Mexico City, observed that there were not enough shelters, and those in operation had lengthy waiting lists (3 Apr. 2005). Moreover, the shelters reportedly provide lodging for only 15 days and after this period many women return to their abusive partners (Torres 3 Apr. 2005).

In Mexico City, the Family Violence Attention Units (Unidades de Atención a la Violencia Familiar, UAVIF) provide legal assistance and psychological counselling to victims of domestic violence (CIMAC July 2003; Mexico 8 Mar. 2004). Martha Recasens, the Director of UAVIF in Mexico City, reported that the number of female victims of violence seeking assistance from the UAVIF had increased from 154,712 in 2003 to about 260,000 according to figures published in October 2004 (*El Universal* 25 Nov. 2004). Recasens reported that, prior to 2003, about 68,000 female victims of violence used the UAVIF's services annually (ibid.). Subsequently, Marta Torres mentioned that while women living in urban centres have more options in addressing violent relationships, rural women are practically unprotected (*prácticamente están desprotegidas*) (3 Apr. 2005).

With regard to police response, in a survey of 350 officers in Mexico, the Latin American and Caribbean Committee for the Defense of Women's Rights (Comité de América Latina y el Caribe para la Defensa de los Derechos de la Mujer, CLADEM) reported that 54 per cent of respondents cited the need for more personnel, more patrols, and a clearer law to better assist victims of domestic violence (n.d.). The survey also noted one of the principal problems police officers face when addressing domestic violence; 17 per cent of agents were frustrated by victims who forgave their assailants after filing a complaint or who were uncertain of what to do (CLADEM n.d.). According to official statistics from the DF, only 15 per cent of complaints made result in formal charges (CIMAC 15 Sept. 2004).

In preliminary findings of her February 2005 visit to Mexico, Yakin Ertürk, the UN Special Rapporteur on violence against women, noted her concern for "the lack of responsiveness of the police or the prosecutors when receiving a complaint and their reluctance to take action and to follow-up to the complaints related to violence against women" (2 Mar. 2005b). According to Marta Torres, women generally distrust the police and are hesitant to report an abusive partner (3 Apr. 2005). Instead, Torres mentioned that women who successfully leave a violent relationship have done so because they have sought psychotherapeutic support and have become aware of their rights (Torres 3 Apr. 2005).

4.2 Sexual Orientation

While sources in 2004 and the beginning of 2005 reported on various positive developments

regarding the treatment of sexual minorities in Mexico (*San Antonio Express-News* 6 Jan. 2005; IGLHRC 15 June 2004; CIMAC 11 Nov. 2004), some sources continued to report on incidents of harassment, abuse and homophobic crimes, including murder (NotieSe 8 Feb. 2005; IGLHRC 13 Aug. 2004; COMAC 18 Aug. 2004).

In April 2004, NotieSe, a Mexico City-based news service specializing in sexual orientation issues, reported that police had arrested three gay couples in Mexico City for public affection such as holding hands (19 Apr. 2004). In August 2004, the International Gay and Lesbian Human Rights Commission (IGLHRC) issued an action alert for the alleged "arbitrary" arrest and detention of seven gay male students in the gay and lesbian area of Mexico City commonly known as the pink zone (*zona rosa*) (13 Aug. 2004). In February 2005, a 17-year old male was killed in an apparent homophobic attack (NotieSe 8 Feb. 2005).

According to the Deputy Prosecutor of Legal and Human Rights for the Federal District, Margarita Espino, in 2004 there were fewer than 20 crimes related to homophobia (ibid.). Espino also stated that while these types of crimes still occur in Mexico City, they are very rare (*muy escasos*) (ibid.). The Citizens' Commission Against Homophobic Hate Crimes (Comisión Ciudadana Contra Crímenes de Odio por Homofobia, CCCCOH) refutes Espino's statement and claims that, since 2002, there have been an average of 25 homophobic murders in Mexico City annually, and 290 killings countrywide from 1995 to 2003 (ibid.). However, Andrew Reding's December 2003 report *Sexual Orientation and Human Rights in the Americas* criticized the CCCCOH's methodology and statistics on homophobic murders in Mexico.

According to Rodolfo Millán Dena, a CCCCOH coordinator, while authorities would investigate the murder of a homosexual, there is no specific offence in Mexico related to homophobic hate crimes (NotieSe 8 Feb. 2005). The Pride Committee of Mexico City (Comité Orgullo México, COMAC) also noted that three factors prevented people from reporting the majority of homophobic hate crimes: 1) social stigmatization, 2) police and judicial inefficiency, corruption and ignorance, and 3) the lack of knowledge of one's legal rights (18 Aug. 2004). In the first instance, the popularly held view that homosexuals are deviants or carriers of disease causes victims to be wary of reporting a crime that could result in public exposure, with its attendant potential risks of job loss and hostility on the part of family members (COMAC 18 Aug. 2004). Secondly, due to problems within the judicial system, such as the wide latitude granted to reportedly "prejudiced" (*prejuicios*) judges who frequently rule against members of the Lesbian, Gay, Bisexual and Transgender (LGBT) community, victims feel that reporting a crime to the police would be counterproductive (ibid.). Thirdly, the COMAC noted that very few LGBT individuals know their legal rights and prefer to go about their lives unnoticed (*desapercibidos*) (ibid.).

Nevertheless, positive developments regarding the treatment of sexual minorities include the enactment of new legislation, a federally-sponsored media campaign against homophobia, and a growing gay and lesbian presence in major urban centres, popular tourist destinations and on television (IGLHRC 15 June 2004; CIMAC 11 Nov. 2004; *New York Times* 16 May 2004; *San Antonio Express-News* 6 Jan. 2005). In March 2004, the Federal District amended its civil code to "allow transgender people to change the sex and name recorded in their birth certificates" (IGLHRC 15 June 2004). The IGLHRC reported that a birth certificate is essential for applying for a voter identification card, which is necessary for exercising one's right to vote, to work, to acquire property, and to obtain medical assistance in a public hospital (ibid.).

According to Gloria Careaga Pérez, a feminist and social psychologist currently working for the International Lesbian and Gay Association (ILGA), the LGBT movement in Mexico has made noticeable progress since the first annual pride march in 1979 (ILGA 26 May 2004). Supported by a growing base

of LGBT organizations, openly public activities and events have become more common (ibid.). For example, an October 2004 news article outlined various groups, publications, Internet sites, and public events available to the lesbian community (ANODIS 14 Oct. 2004). Also in 2004, gay pride parades were held in various cities such as Merida (Es Mas 19 June 2004) and in Mexico City, where "for the first time parents of homosexuals headed the march, which stressed family issues such as legal recognition for same-sex couples" (*Weekly News Update on the Americas* 27 June 2004; see also *El Universal* 27 June 2004).

As of February 2005, an initiative that would legally recognize same-sex unions in Mexico City, the bill on common-law partnerships (*Iniciativa de Ley de Sociedad de Convivencia*), remained stalled in the ALDF (NotieSe 10 Feb. 2005). According to NotieSe, on 10 February 2005, various homosexual rights organizations reportedly urged ALDF members not to forget about the proposed law and further noted that after five years of waiting for this law to pass, they would begin "civil actions" (*acciones civiles*) to advance the debate on the legal initiative (ibid.). In addition, homosexual activists announced that, similar to protests organized in February 2004, a mass mock marriage would take place on 14 February 2005 (ibid.). According to *La Jornada* , organizers registered about 2,000 participants for the mock wedding ceremony, an increase of 200 people from 2004 (15 Feb. 2005).

As part of its commitment to the implementation of the June 2003 federal anti-discrimination law, the CONAPRED announced in November 2004 that it would be producing a public media campaign to highlight discrimination against homosexuals (CIMAC 11 Nov. 2004; *El Informador* 3 Feb. 2005; Terra 5 Feb. 2005; *El Universal* 3 Feb. 2005). In collaboration with the Secretary of Health's National Centre for HIV/AIDS Prevention and Control (Centro Nacional para la Prevención y el Control del VIH/SIDA, CENSIDA), two radio "spots" addressing intolerance, homophobia and respect for sexual diversity were scheduled to air in 14 cities for a period of six to eight weeks beginning in March 2005 (ibid.; Terra 5 Feb. 2005).

The UK-based *Gay Times* also noted that cities and tourist centres such as Mexico City, Guadalajara, Tijuana, Cancun, Puerto Vallarta and Acapulco feature considerable gay communities (17 June 2004). In particular, Puerto Vallarta and Cancun resorts were reported to be very popular gay tourist destinations, due to a proliferation of gay-friendly businesses and generally tolerant social conditions (*New York Times* 16 May 2004; *San Francisco Chronicle* 13 June 2004). The International Gay Travel Association also rated Mexico the third most popular tourist destination for gay travellers, just after London and Paris (ibid.). In addition, the *Gay Times* stated that " [t]he gay scene here [in Mexico] is quite liberal and probably one of the best in Latin America making Mexico a good choice for gay and lesbian holidaymakers" (17 June 2004).

In July 2004, a TV station reportedly offering the first gay TV channel in Latin America attracted 300 subscribers in its first week of operation and, as of September 2004, had 3,500 clients (*El Universal* 7 Sept. 2004). *El Universal* also reported that a television show about young homosexual and heterosexual couples based in Mexico City would begin filming its second season (11 Nov. 2004).

In Mexico City, 2004 and 2005 news articles reported on the *zona rosa's* openly homosexual atmosphere and gay-friendly shopping stores, bars and restaurants (*Dallas Morning News* 10 Feb. 2004; *San Antonio Express-News* 6 Jan. 2005). Moreover, the Plaza de Las Americas, which is located in the vicinity of the *zona rosa* and which features 76 businesses, was slated to re-open in February 2005 and was to be Mexico's first gay-oriented shopping mall (*San Antonio Express-News* 6 Jan. 2005).

4.3 Crime and Corruption

4.3.1 Crime

As mentioned in the Research Directorate's May 2004 *Mexico: Police* Issue Paper, there are two types of criminal offences in Mexico: crimes of federal jurisdiction (*fuero federal*), such as narcotics trafficking and firearms possession, and crimes of local jurisdiction (*fuero comun*), such as robbery and assault. Statistics produced by the National Institute of Statistics, Geography and Informatics (Instituto Nacional de Estadística, Geografía e Informática, INEGI) in September 2004 show that the total number of crimes reported (common and federal) from 2001 to 2003 had increased slightly each year: 1,512,448 in 2001; 1,516,029 in 2002; and 1,517,899 in 2003 (Mexico 23 Sept. 2004).

Nevertheless, reported crimes vary geographically and by jurisdiction (ibid.). For example, the federative entities with the five highest rates of reported crime (per 1,000 inhabitants) in 2003 were: Baja California, 37.2; Baja California Sur, 29.8; Yucatan, 29.4; Quintana Roo, 26.8; and the DF, 21.5 (ibid.). With regard to crime type, 2003 statistics show that local crimes had decreased overall by one per cent (or 5557 reported crimes) in comparison with 2002 figures (ibid.) Statistics for 2003 also showed that federal crimes had increased by one per cent (or 7,427 reported crimes) in comparison with 2002 data (ibid.).

Nevertheless, various sources also contend that official statistics do not represent the actual situation because many citizens were reluctant to report crimes (ICESI 17 Mar. 2005; US 2002; *Country Reports 2004* 28 Feb. 2005, Sec. 1.c). It has been estimated that the percentage of crimes not reported, sometimes referred to as the "black number" (*cifra negra*), is between 75 (ICESI 17 Mar. 2005) and 80 (US 2002; Freedom House 23 Aug. 2004) per cent, meaning that only one out of four or five crimes committed is actually reported to the police.

Concurrently, perceived escalation in crime rates and a generalized impression of ineffective law enforcement have led to a proliferation of private security businesses, which according to the *Latin American Special Report* , have grown 10 and 15 per cent annually between 1998 and 2003 (Dec. 2003). According to the President of the Confederation of Industrial Chambers of Commerce (Confederación de Cámaras Industriales, CONCACIM), Leon Halkin, the prevailing climate of insecurity in some regions of Mexico means that businesses spend between 5 and 25 per cent of their income on security measures such as security guards, specialized vehicles, weapons, and electronic equipment (EFE 27 Nov. 2004; FBIS 23 June 2004).

In June 2004, citizen perception that crime, especially kidnapping, was out of control led to a nation-wide mass civilian protest directed at the government's inability to maintain public security (Reuters 28 June 2004; *Weekly News Update on the Americas* 4 July 2004). The Fox government responded by outlining a 10-point anti-crime plan that would reportedly "deliver results in 60 days" (*LARR* 13 July 2004; *Diario de Mexico* 2 July 2004). According to the *Latin American Regional Report* (*LARR*) , while much of the plan was based on meetings with national security council officials and state and municipal authorities to strategize on crime reduction tactics, one of its provisions included an initiative to require all federal, state and municipal police officers to publish their arrest records (13 July 2004). In July 2004, in what one news source called an "unprecedented" anti-crime operation, some 25,000 law enforcement personnel from the Federal District and eight central states were dispatched within these regions to combat criminal activities (ACAN-EFE 14 July 2004). Moreover, in August 2004, *El Universal* reported that a new "regional crime prevention unit" of 600 police officers from nine central federative entities would be set up in Morelia, Michoacan (26 Aug. 2004). The goal of this unit would be to go after 180 top criminals in the states of Mexico, Michoacan, Guerrero, Morelos, Tlaxcala, Hidalgo, Veracruz, and Puebla, and in the Federal District (*El Universal* 26 Aug. 2004).

In August 2004, legislative efforts by the Senate and Congress codified "express kidnapping" (

secuestro expres) as a crime punishable by between 15 and 40 years in prison or "a fine of 500 to 2,000 days of minimum wage" and amended the constitution to allow state and municipal authorities to investigate and resolve federal crimes, particularly with respect to drug-dealing activities (*Reforma* 6 Aug. 2004; Mexico 5 Aug. 2004). Moreover, the Senate amended the federal organized crime law to permit the use of financial rewards to persons providing information leading to the arrest of suspected kidnappers and the release of their victims (*ibid.*). The then-head of the Federal District Public Security Secretary, Marcelo Ebrard, subsequently announced that the Mexico City police would offer a 100,000 peso [CAN \$10,790 (Bank of Canada 23 Mar. 2005)] reward to anyone who could assist the authorities in arresting criminals from city's "20 most wanted" list (*La Jornada* 12 Aug. 2004).

Moreover, news sources reported that a law to combat organized crime in the DF had gone into effect on 14 December 2004 (*Reforma* 16 Dec. 2004; *Es Mas* 15 Dec. 2004). PRD deputy Alejandra Barrales stated that the new law gives the Federal District Attorney General's Office (Procuraduría General de Justicia del Distrito Federal, PGJDF) the power to participate in "house arrests," grant witness protection, and "intercept telephone calls, with prior court order" (*Reforma* 16 Dec. 2004).

Please refer to sections 3.2 ("The Judiciary") and 3.3 ("The Police") for more information on state protection against crime.

4.3.2 Corruption

Although the Fox administration has initiated a number of efforts to combat corruption, monitoring organizations such as Transparencia Mexicana (TM)—a chapter of the international organization Transparency International (TI)—have reported that acts of public and private corruption still occur on a regular basis (TM 2003; Freedom House 23 Aug. 2004). According to various research organizations, corruption costs anywhere from seven (Notimex 26 Mar. 2004) to nine (*ibid.* 13 Mar. 2004) per cent of Mexico's gross domestic product (GDP). An official with the Transparency Unit of the Public Function Secretariat (Secretaría de la Función Pública, SFP) stated that 39 per cent of owners of Mexican businesses surveyed said they had bribed officials in order to maintain their operations (*El Economista* 1 Oct. 2004). The SFP official also noted that embezzlement created profits of 10.56 billion pesos [CAN \$1,215,456,000 (Bank of Canada 16 May 2005)] in 2003 (*ibid.*).

With regard to government funds, the Center of Private Sector Economic Studies (Centro de Estudios Económicos del Sector Privado, CEESP) estimated that corruption siphons off roughly 30 per cent of public expenditures (*Business Mexico* Sept. 2004). According to Luis Carlos Ugalde, a researcher with the Mexico City-based Centre for Economic Research and Teaching (Centro de Investigación y Docencia Económicas, CIDE), corruption within state government institutions had reportedly worsened under Fox, due to a lack of accountability mechanisms to monitor increased funding to more autonomous states (CPI Dec. 2003).

In September 2004 report on bribery in Mexico, the Organization for Economic Co-operation and Development (OECD), while noting that corruption varied according to institution type and scope of activity, stated that police forces and local labour courts were deemed to be particularly corrupt, but that the Supreme Court was relatively "free of corruption" (OECD 2 Sept. 2004, 6). The OECD report also mentioned that although the federal government has made some efforts in corruption awareness and prevention, "the same cannot be said for enforcement and prosecution" (*ibid.*, 38). According to the OECD report, Mexico's law enforcement authorities admitted that they had difficulty in prosecuting corruption because of challenges related to detection—due in part to lack of resources and training—and investigation (*ibid.*, 39). Using bribery as an example, the OECD noted that key obstacles to investigating this offence were unclear cooperation and information-sharing practices between certain

federal and state authorities, and vague legal procedures with respect to investigative techniques and tools, such as "the use of undercover agents and other entrapment means" (ibid., 51).

4.4 Political Activities and Organizations

According to *Country Reports 2004*, there were no reports in 2004 of state security agent involvement in politically motivated killings (28 Feb. 2005, Sec. 1.a) or disappearances (*Country Reports 2004* 28 Feb 2005, Sec. 1.b), and elections were generally regarded as free and fair (ibid., Sec. 3). However, various human rights reports noted that violations against human rights defenders, including assault and harassment, continued to occur in 2003 and 2004 (ibid., Sec. 4; AI 2004; Centro PRODH Feb. 2004). In addition, news sources reported on cases of electoral abuse and political violence during the 2004 state gubernatorial and municipal election campaigns (EFE 21 Jan. 2004; *Reforma* 3 Aug. 2004; AP 7 Feb. 2005).

In the town of Tlalnepantla, Morelos, a January 2004 confrontation between police and local indigenous activists resulted in the death of one person and injuries to several others (AI 16 Jan. 2004; *Weekly News Update on the Americas* 18 Jan. 2004; EFE 21 Jan. 2004). EFE reported that the conflict had been brewing since the November 2003 election of PRI mayor, Elias Osorio Torres, when some residents tried to occupy the town hall in protest against Osorio's victory (ibid.). According to Amnesty International, political altercations of this sort resulted from local government's "failure to recognize traditional indigenous electoral practices" in towns such as Tlalnepantla (16 Jan. 2004).

In Oaxaca, in the lead-up to that state's 1 August 2004 gubernatorial election, the incumbent governor, Jose Murat Casab, reportedly survived an assassination attempt (Knight Ridder 30 July 2004; Reuters 7 June 2004). However, a subsequent investigation by the PGR led it to conclude that the incident was a hoax, because "most of the bullet holes in Murat's vehicle came from inside" (ibid.; Knight Ridder 30 July 2004). In the week before the vote, a series of violent incidents in the town of Huautla de Jimenez, Oaxaca, left one PRI and one PAN supporter dead, and between 7 and 20 injured (ACAN-EFE 28 July 2004; Knight Ridder 30 July 2004; BBC 29 July 2004). After PRI candidate Ulises Ruiz claimed victory, news sources reported that rival candidate Gabino Cue had denounced the elections as fraudulent, and that his alliance "would use every legal and political resource available to 'clean up and introduce transparency'" (*El Universal* 4 Aug. 2004; ACAN-EFE 2 Aug. 2004; Knight Ridder 1 Aug. 2004). After a review of the vote by both the State Electoral Institute (Instituto Estatal Electoral, IEE), in August 2004, (UPI 6 Aug. 2004) and the IFE, in November 2004 (Knight Ridder 17 Nov. 2004), the electoral results were ruled as legitimate.

With regard to other political groups, 2004 marked the 10th anniversary of the rebellion by the Zapatista Army of National Liberation (Ejército Zapatista de Liberación Nacional, EZLN) (IPS 12 Jan. 2005; AP 20 Apr. 2004; *Boston Globe* 2 Jan. 2004). In reflecting upon that period, various news sources reported that little progress had been made in addressing the political and socio-economic problems of the indigenous peoples of Chiapas (*LAWR* 18 Jan. 2005; IPS 12 Jan. 2005; AP 20 Apr. 2004; *Boston Globe* 2 Jan. 2004). According to Bernardino Ramos, PRD legislator and Chair of the federal government-sponsored indigenous rights Commission for Peace and Reconciliation (Comisión de Concordia y Pacificación, COCOPA), Chiapas continues to face many problems, including widespread poverty and pervasive acts of violence (IPS 12 Jan. 2005). While the Fox government had originally ordered military base closures to stimulate a process of reconciliation with the Zapatistas (US Sept. 2004; *Europa World Year Book 2004* 2004), in 2004, the armed forces reportedly still operated 91 outposts and maintained 18,000 personnel in Chiapas (*Blindman's Buff* 8-15 May 2004).

Although President Fox stated in January 2005 that the Zapatista rebellion was a "thing of the

past" (IPS 12 Jan. 2005; *LAWR* 18 Jan. 2005), a number of violent incidents directed toward Zapatista supporters were reported in 2004 (*El Universal* 13 Apr. 2004; AP 19 Apr. 2004). For example, in April 2004, PRD supporters reportedly attacked a group of Zapatistas in Zinacantan, Chiapas, injuring between 29 (*Blindman's Buff* 25 Sept.-1 Oct. 2004) and 35 EZLN supporters and about a dozen local residents (AP 19 Apr. 2004). According to local human rights groups in Chiapas, between 400 (ibid.) and 700 (*El Universal* 13 Apr. 2004) Zapatista supporters fled from their homes in Zinacantan for fear of another attack by PRD members.

International human rights sources reported in 2004 that state protection for human rights defenders varied jurisdictionally (AI 2004) and geographically (Freedom House 23 Aug. 2004). According to Amnesty International, human rights defenders "working in local communities were most vulnerable to hostility from state authorities, although the federal authorities provided some protection in a number of cases" (2004). Moreover, Freedom House noted that "political and civic expression" was "restricted throughout rural Mexico, in poor urban areas, and in poor southern states" (23 Aug. 2004).

For more information about state protection for political activities, please refer to section 3.5 ("Other Institutions").

NOTES ON SELECTED SOURCES

Center for Strategic and International Studies, CSIS

Based in Washington, DC, CSIS is a public policy research institution dedicated to policy analysis and solutions (CSIS n.d.). Staffed with 190 researchers, CSIS addresses national and international security concerns, as well as maintaining resident experts on all of the world's major geographical regions (ibid.).

Center for US-Mexican Studies

The Center for U.S.-Mexican Studies is based at the University of California, San Diego, and promotes greater institutionalization, capacity-building, and collaboration in and between U.S. and Mexican academic, government, and nongovernmental organizations via innovative training and outreach efforts (Center for U.S.-Mexican Studies n.d.).

Comité Orgullo Mexico, COMAC

The Pride Committee of Mexico is a non-government organization that primarily organizes the annual gay lesbian bisexual transgender (LGBT) pride march in Mexico City (COMAC 18 Aug. 2004). COMAC also maintains a Website that provides links and information for those interested in the gay lifestyle and culture of Mexico (ibid.).

Comunicación e Información de la Mujer, A.C. (CIMAC)

CIMAC, a non-governmental organization dedicated to women's rights, was established in 1988 (Isis Internacional 25 Sept. 2002). Its main activities include a news service, the preparation of information summaries regarding the status of women in Mexico, and a documentation centre (ibid.). Its news service index is available at <<http://www.cimacnoticias.com/noticias/>>.

Instituto Ciudadano de Estudios Sobre la Inseguridad, ICESI

ICESI is a Mexico City-based non-profit civil association that provides research and policy proposals on criminality and public security issues in Mexico (ICESI n.d.). ICESI was set up by five organizations: Consejo Coordinador Empresarial (CCE), Confederación Patronal de la República Mexicana (Coparmex), Instituto Tecnológico de Estudios Superiores de Monterrey (Tec de Monterrey), UNAM and Fundación Este País (ibid.).

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